

Remarks/Arguments:

On page 2, the Official Action rejects claims 1-16 under 35 U.S.C. § 102(e) as being anticipated by Uchida (U.S. Patent No. 6,882,872). It is respectfully submitted, however, that the claims are patentable over the art of record for the reasons set forth below.

Amended independent claim 1 recites a light guide for guiding light to an optical element. Specifically, the light guide is made of material with a specific refractive index (*"light guide is formed of a material having a refractive index higher than that of the air and lower than that of the living body measuring optical element"*).

Stated in the specification on page 14, lines 13-15, the light guide is made from a material that has refraction index that is higher than air and lower than the living body measurement optical element (*"light guide 14, a deformable material is used having a refraction index higher than that of the air and smaller than that of the living body measurement optical element"*). One advantage of having the light guide 14 refractive index higher than air and lower than the living body measuring optical element 12, is that calibration of the system can be performed more efficiently. Calibration is a process in which properties of the optical system are measured before measuring the properties of the living body tissue. For example, Fig. 2 shows the light guide 14 in direct contact with living body measuring optical element 12 during calibration. Light source 11 emits light that is refracted by light guide 14 (with a specific refraction index), returned to living body measuring optical element 12 and then detected by light detector 16. A calculation is then performed on the detected light to calibrate the system. Specifically, on page 16, line 18 through page 17 line 25, a calibration method for calibrating the system prior to measuring the living body tissue is recited wherein the refractive index of the light guide is set at a specific value (*"Accordingly, if the refractive index of the light guide is larger than that of the air and lower than that of the living body measuring optical element 12, the calibration mentioned above is effectively performed. The refractive index of the light guide is preferably closer to that of the living body, and particularly preferably about 1.2 to 1.4."*). Calibration is also recited in claim 1 as (*"light guide capable of guiding the light applied by the living body measuring optical element so that the light can be returned to the living body measuring optical element, when the light guide is in a state of being arranged in contact with the living body measuring optical element"*).

On page 3, lines 1-5, the Official Action cites column 5, lines 10-15 of Uchida where he teaches an optical wave guide ("*said detection light entrance means include an optical wave guide*"). This optical wave guide is represented in Fig. 1 of Uchida as optical fiber 12. The Official Action states that Uchida's optical wave guide is the same as Applicants light guide 14. However, Uchida does not suggest a specific refractive index for his optical wave guide. Specifically, Uchida does not teach that the optical wave guide has a refractive index higher than air and lower than the living body measurement optical element as recited in Applicants' amended claim 1.

Accordingly, for the reasons set forth above, claim 1 is patentable over the art of record.

Independent claim 9 has been similarly amended to claim 1. Thus, independent claim 9 is also patentable over the art of record for the reasons set forth above.

Dependent claims 17, 18 and 19 have been added to the application. Specifically, claim 17 is directed towards a light guide 14 that is detachable from the optical element 12 ("*the emitted light having reached the living body measuring optical element, passed through the living body and returned to the living body measuring optical element, wherein when the light detector detects the emitted light, the light guide has been removed from the living body measuring optical element*"). This feature is supported in Fig. 1 where light guide 14 is detachable from living body measuring optical element 12, and furthermore is supported in the specification on page 14, lines 7-10 ("*note that the light guide 14 and the cover 15 may be detachably attached to the main body having the living body measurement optical element 12*"). The light guide 14 is detached from the optical element 12 after the system is calibrated (during calibration light guide 14 and optical element 12 are attached, after calibration light guide 14 and optical element 12 are detached), see Fig. 1 for detachable feature. In contrast, as shown in Fig. 1 of Uchida, the light source 1, optical fibers 2 and 12, light sensor 4 and light emitting means 8 are attached to one another (they are not detachable). Thus, a detachable light guide as recited in new dependent claims 17, 18 and 19 is not suggested by Uchida. Furthermore, claims 17, 18 and 19 are patentable by virtue of their dependency on claims 1 and 9. No new matter has been added.

Claim 20 has been added to the application. Claim 20 is similar to claim 17, however, it does not recite the limitation of the light guide 14 being detachably attached to the optical

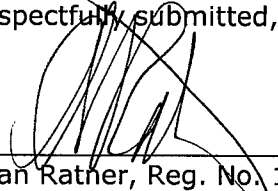
Application No.: 10/527,353
Amendment Dated June 11, 2008
Reply to Office Action of March 11, 2008

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element 12. Claim 20 is patentable by virtue of its dependency on claim 1. No new matter has been added.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



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Dated: June 11, 2008

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